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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HEWITT II, CALVIN L

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,411

Applicant(s)

ABLAN, GERALD H.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27 and 29-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27 and 29-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Status of Claims

1. Claims 27 and 29-50 have been examined.

Response to Arguments

2. Claims in a pending application should be given their broadest possible interpretation (*In re Pearson*, 181 USPQ 641 (CCPA 1974)), and in order to construe a disputed claim term it is proper to seek the ordinary meaning of the claim term (*E-Pass Technologies Inc. V. 3Com Corp.* 67 USPQ2D 1947 (CAFC 2003)). In order to distinguish the Applicant's claims from the prior art the Applicant asserts that the prior art of Rackson et al. does not teach a "library", an "account", advertising templates, and billing records. However, giving the terms their broadest reasonable interpretation and applying ordinary definitions to said terms, a "library" is merely a database (column 9, lines 7-10 and 29-38) and Rackson et al. teach setting up an "account" such as a "computer account" with the multi-auction service that allows a seller to establish parameters for placing an item up for auction (column/line 8/63-9/38). This process essentially amounts to advertising. And the system, therefore, provides the seller with an advertising template as the parameters may be defined in conjunction with, or exclusively by, the multi-auction service (column 9, lines 30-35). For example, Rackson et al.

teach receiving an auction request in association with an inventory record stored in the inventory library as the multi-auction service system provides text, images, photographs, or videos of the item to be auctioned.

Robinson et al. teach an electronic or digital embodiment of a "receipt". The receipt of Robinson et al. is a sales record, billing record and provides shipping and billing information (note: cost, seller name and receiver name are all information that is associated with shipping information) in association with the item auctioned by the seller (e.g. auction consolidation account).

Regarding the limitations from claim 28 that were added to claim 27, Rackson et al. teach "creating an auction monitoring report comprising auction information pertaining to the auction request" and "storing said report in association with the account" because the system provides updates to items that are up for bid (column 12, lines 47-52; column 23, lines 5-17) via e-mail, web browser or pager (column 12, lines 51-57). Rackson et al. teach a multi-auction service that watches each item being offered on a plurality of services and provides bid updates (column 12, lines 47-52) hence, Rackson et al. teach revisiting each auction site and updating the report as they pertain to the request. Rackson et al. also display the report for review by the user. Note the Applicant has not specified the "user" as a seller or bidder, hence the term is broad enough to read on the recipient of the e-mailed, paged or posted bid update (column 12, lines 51-57). Nonetheless, Rackson et al. teach sellers and bidders being able to

react (i.e. accept a current bid or order) to updated offer or bid information via a world wide web or internet-based interface that allows sellers and bidders to interactively affect an auction (column 9, lines 35-49; column 23, lines 5-17).

Regarding claim 41, to one of ordinary skill auction closing procedures Dutch and standard auctions (column 23, lines 1-5) and of auction houses such as Sotheby's or E-Bay (column 6, lines 5-10) clearly antedate the Applicant's invention. Further, as a seller establishes starting and closing times using the multi-auction service system (column 9, lines 25-35) closing is performed in a manner specified in a record associated with the account.

Strickland et al. clearly depict a database for tracking and updating customer information ('024, figure 1). Therefore, it would have been obvious to modify the reports of Rackson et al. with the tracking database of Strickland et al. in order to providing more detailed information regarding bidding statistics and presenting the information in clear and organized manner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 27-31, 34-37, and 47-50 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Rackson et al., U.S. Patent No. 6,415,270.

As per claims 27-31, 34-37, and 47-50, Rackson et al. teach an auction system comprising:

- creating an auction consolidation account (figure 4)
- receiving (via user input) and storing in a library inventory records, image records, and advertisement templates (figure 4; column 9, lines 5-50)
- creating an auction submission combining an inventory record, image record and advertisement template (figures 3, 4 and 10; column 9, lines 5-50)
- storing the submission in a library in association with an account (figures 3, 4 and 10)
- transmitting the submission for auction to one or more sites in accordance with the auction parameters (figures 3, 4, and 10; column 8, lines 5-17)
- compiling a consolidated auction monitoring report pertaining to said request and in association with said account, said report containing

information pertaining to each request (figure 14; column/line 24/5-25/35; column 26, lines 21-28)

- revisiting each auction site to extract update information, updating the report and displaying the report to a user (figure 14; column 23, lines 30-55; column/line 25/35-26/29)
- repeatedly constructing, transmitting and posting auction submissions, and monitoring auction reports (figures 3, 4, 10 and 14; column 8, lines 1-2)
- auction parameters from the group of posting date or time, auction end date or time, payment type, shipping method, minimum bid, reserve price and private auction indicator (column 9, lines 25-35)
- rendering the auction submission as an HTML page (column 8, lines 18-48)
- identifying a page, and downloading and parsing the page to extract updated auction information (figures 1-3, 10 and 14; column 8, lines 18-63)
- posting auction requests on different sites (column 12, lines 47-57; column 23, lines 5-17)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al., U.S. Patent No. 6,415,270 in view of Robinson et al. 5,915,022.

As per claims 31-33, Rackson et al. teach a system for conducting electronic transactions (figures 3, 4, 10 and 14). However, Rackson et al. do not specifically recite maintaining billing and sales records. Robinson et al. teach a method and system for conducting secure transactions comprising obtaining, creating and storing sales and billing records (abstract; figures 1-1-6C). Robinson et al. also teach transmitting a billing record to a purchaser (figure 1-2 and 5). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Rackson et al. and Robinson et al. in order to authenticate an electronic transaction by providing both parties with an accurate and secure record of the transaction ('022, column 2, lines 35-43).

7. Claims 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al., U.S. Patent No. 6,415,270.

As per claim 38, Rackson et al. teach providing a user with an internet interface for accessing update information (figure 14; column/line 25/55-26/29). However, Rackson et al. does not specifically recite when the extraction occurs. However, the “pushing” and “pulling” of data are old and well known and it would have been obvious to one of ordinary skill to use whatever method (i.e. “push” or “pull”) to obtain the data.

As per claims 39-43, Rackson et al. teach an auction system utilizing computer instructions and automation tools comprising: creating a user account, presenting the user items to be auctioned, presenting using an intelligent system to retrieve items that match a user's criteria- automatic feedback, a user bidding on an item, a consolidation bidding report that reflects that user bidding activity across multiple stations, monitoring bids, closing an auction, post sale and payment operations (abstract; figures 12-14; column 1, lines 37-45; column 3, lines 40-58; column/line 3/57-5/7; column/line 16/40-17/58; column 18, lines 11-17; column 19, lines 49-58). Regarding the extraction of closing data, it would have been obvious for a user to obtain this data automatically or by periodically visiting the site (e.g. E-Bay, Sotheby's) (abstract; figures 1-3, 10 and 11) and

storing the data in the auction monitoring report (figure 14). Rackson et al. specifically teach providing, through a user with an internet-based interface, comprehensive and reporting and auction status for monitoring bidding activity (column 23, lines 5-18; column/line 25/55-26/36).

8. Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al., U.S. Patent No. 6,415,270 in view of Strickland et al. U.S. Patent No. 5,956,024.

As per claims 44-46, Rackson et al. teach a method and system for conducting auctions that provides both buyers and sellers with an internet-based interface comprehensive reporting and auction status functionality for buyer and seller (column 23, lines 5-18; column/line 25/55-26/35). However, Rackson et al. do not specifically recite buyer notification, payment received and item shipping status. Strickland et al. teach a customer management interface for tracking, by a seller, customer account data such as payment status, buyer notification and delivery of services status (figure 1). Therefore, it would have been obvious to one of ordinary skill to provide the seller with an analogous "auction monitoring report" interface ('270 figure 14) for tracking seller related items such as sale completion ('270, column 8, lines 18-48; column 23, lines 5-18; '024, figure 1).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and
after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
308-1113.

Calvin Loyd Hewitt II

October 12, 2004



JAMES P. THOMPSON
SUPERVISORY PATENT EXAMINER
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